

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TRINIDAD GONZALEZ, INDIVIDUALLY §
AND AS PERSONAL REPRESENTATIVE §
OF THE ESTATE OF LUIS ARMANDO §
GONZALEZ BOCK, DECEASED AND §
MARCO POLO GONZALEZ, §
INDIVIDUALLY AND AS PERSONAL §
REPRESENTATIVE OF THE ESTATE OF §
LUIS ARMONDO GONZALEZ BOCK, §
DECEASED, §

Plaintiffs,

V

EXCEL MODULAR SCAFFOLD AND §
LEASING CORPORATION, INDUSTRIAL §
SCAFFOLDING, L.L.C., MARATHON OIL §
CORPORATION and MARATHON §
PETROLEUM CORPORATION, L.P. §

Defendants

CIVIL ACTION NO. 3:20-CV-00056

**MARATHON PETROLEUM COMPANY LP'S INITIAL DISCLOSURES UNDER
RULE 26(a) FEDERAL RULES OF CIVIL PROCEDURE**

Defendant, Marathon Petroleum Company LP, improperly named as Marathon Petroleum Corporation, L.P. ("Marathon"), by and through its counsel of record and pursuant to Rule 26(a) of the Federal Rules of Civil Procedure hereby makes the following initial disclosures, subject to and without waiving any privilege or protection applicable under Texas law. Marathon further makes its disclosures in recognition of the continuing duty to make supplemental disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure and reminds Plaintiff of its duty to do the same.

- i. **the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;**

a. The following individuals may have knowledge of the contract between Blanchard Refining Company and decedent's employer, scope of work, job duties and responsibilities for the work being done, the facts and circumstances of the accident, and/or the investigation of the accident:

Marathon Petroleum Company LP:

- Nelson Almond, Senior VP Engineering & Corp. – Speedway LLC
- Fritz Kin, Director Refining Safety, Security & PSM – Marathon Refining Logistics Services LLC
- Roger Gautreau, Sr. HES Professional – Marathon Refining Logistics Services LLC
- Dan Wilczynski, Environmental, Safety & Security Manager – Marathon Petroleum Logistics Services LLC
- Pravin Taneja, Tech. Services Supervisor – Marathon Refining Logistics Services LLC
- Ray Brooks, Executive Vice President Refining – Marathon Petroleum Company LP
- Thomas O. Magin, Shift Foreman at Galveston Bay Refinery – Marathon Refining Logistics Services LLC
- Carolyn Maupin, Guard GBR Security – Marathon Refining Logistics Services LLC
- Ken Bloch, Sr. HES Professional – Marathon Refining Logistics Services LLC
- Juan Rubio, Maintenance Foreman at GBR – Marathon Refining Logistics Services LLC
- Matthew Mahler, Maintenance Dept. Manager – Marathon Refining Logistics Services LLC
- Jayson Davis, Refining Supply Chain Manager – Marathon Petroleum Company LP

All the above individuals are or were employees at the time of the incident and can be reached through counsel:

Dwayne Newton
Cynthia Jones
NEWTON, JONES & MCNEELY
3405 Marquart
Houston, Texas 77027
713-493-7620
dnewton@newton-lawyers.com
cljones@newton-lawyers.com

Excel Modular Scaffold & Leasing Corporation:

- Chad King, Senior VP of operations (signed contract with Blanchard Refining)
- Dylan Fulton, Sr. VP
- Robert W. Pierce, Capital Projects Superintendent
- Pedro Ventura, Supervisor over work being performed
- Luis De La Garza, General foreman
- Charles Donnelly, Jr., Supervisor
- Adrian Guajardo, Jr., Co-worker
- Pedro Moreno, Jr., Co-worker
- Mario Castro, Co-worker
- Jessica Chapa, Co-worker
- Shane A Martarona

All the above individuals can be reached through:
Excel Modular Scaffold & Leasing Corporation
17900 Excel Blvd.
Walker, LA 70785
225-777-4157

Nolan Miller
LJB Engineering
16225 Park Ten Place, Suite 275
Houston, TX 77084
832-862-3352

Marathon reserves the right to supplement these disclosures with additional individuals and/or entities as further investigation and discovery may reveal.

b. The following individuals/agencies responded to the incident and they (and any custodian of records) may have knowledge related to the facts of the accident and any injuries and damages sustained by decedent. We do not presently know the complete names of all involved individuals. For some agencies, partial names are in investigative documents to be produced.

Texas City Fire Department
1725 N. Logan Street
Texas City, TX 77590
(409) 643-5870

Texas City Police Department:
1004 9th Ave N
Texas City, TX 77590
(409) 948-2525

Galveston County Sheriff's Office
601 54th St.
Galveston, TX 77551
(409) 766-2300

Galveston County Medical Examiner's Office
6607 FM 1764
Texas City, TX 77591
(409) 935-9274

In addition to all the above, the investigative documents and others which will be produced contain the names of numerous personnel on site at the time of the incident. The extent of their knowledge is presently unknown. Information regarding these individuals will be supplemented as discovery progresses if it is determined they have any discoverable information or knowledge.

- ii. a copy, or a description by category and location, of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;**

The following electronically stored documents are in the possession of legal counsel and will be produced:

Contract/Job/Scope of Work documents between Blanchard Refining Company LLC and Excel

Excel engineering documents and manuals

Relevant policies and procedures

Various documents, statements, photographs, and videos gathered during the investigation of the incident

In addition, employee emails regarding the incident exist and are in the possession of Marathon Petroleum Company LP. Subject to any privileges, they will be produced when identified and available.

As there may be additional documents, electronically stored information, and tangible things unknown to Marathon that support its defenses, Marathon reserves the right to supplement its disclosures if and when said items are identified.

- iii. a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and**

Defendant is not making a claim for damages.

- iv. for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

See MPC 000001-000087 for the general liability policy, and MPC 000088-000133 for the excess policy.

Respectfully Submitted,

NEWTON, JONES & MCNEELY

/s/ Cynthia Jones

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Counsel for Marathon Petroleum Company LP

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed through CM/ECF system this 3rd day of June 2020 for service on all parties:

Mr. Jack Todd Ivey
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/s/ Cynthia L. Jones